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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/584,865

05/04/2007

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4660-10

7775

23117 7590 11/12/2009
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EXAMINER

BEYEN, ZEWDU A

ART UNIT

PAPER NUMBER

2461

MAIL DATE

DELIVERY MODE

11/12/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/584,865	Applicant(s) ANDERSSON, ANDERS	
	Examiner ZEWDU BEYEN	Art Unit 2461	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 June 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 27-50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 27-50 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

- This action is responsive to amendment dated 06/18/2009.
- Applicant's amendments filed on 06/18/2009 has been entered and considered.
- Claims 1-26, have been canceled.
- Claims 27-50, have been added.
- Claims 27-50 are pending.
- The rejection to the 35 USC § 112 rejections is hereby withdrawn in view of Applicants' amended claims.
- Claims 27-50 stand rejected.

Response to Arguments

Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection

Claim Rejections - 35 USC § 112

- 4 The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 32,33,41,42,49, and 50 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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Claims 32, 41, and 49, recite the phrase “determines one-sided limitations” it is not clear as to what one-sided limitations referring to.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claim 27-32, 34, 36-41, and 43-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boland to (EP1045604A2), in view of Chavez to (US6192234)

Regarding claim 27,36, and 43 Boland teaches assigning one or more priority-groups to a user-register(**abstract discloses diving a wireless communication cell sites into a plurality of service priority groupings, and provide guaranteed communication service to priority**

wireless communication subscribers. Furthermore, par,[0012] discloses defining a priority data for wireless subscribers in the Home Location Register).

depending on a possible match of the priority-groups defined in the user-register and the priority-groups assigned to the priority-levels in the priority-table, the quality of service associated with a priority-level is assigned to the user-device(**abstract discloses proving guaranteed communication service to priority wireless communication subscribers, and wireless subscribers who have been assigned a predetermined service priority are provided with access to reserved wireless communication**)

Boland does not explicitly teach providing a number of priority-tables, each associated with one or several coverage areas of the system providing said priority-tables with one or several priority-levels, where each priority- level is assigned one or several priority-groups, providing said priority-tables with an area-identifier that associates the priority-table with a coverage area, retrieving the present coverage area for said user-device, identifying a priority-table by matching the present coverage area for the user-device with the coverage areas associated with the priority-tables by the area-identifier

However, Chavez teaches providing a number of priority-tables, each associated with one or several coverage areas of the system (**see figs.2-4**) providing said priority-tables with one or several priority-levels, where each priority- level is assigned one or several priority-groups, providing said priority-tables with an area-identifier that associates the priority-table with a coverage area(**see figs.2-4**), retrieving the present coverage area for said user-device(**col.3 lines 24-30 discloses , FIGS. 2-4, each wireless terminal maintains a table that defines for each area as indicated in Column 201 of FIG. 2, the**

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telephone coverage number for the area as defined in Column 202, the priority that the wireless terminal has in each area as indicated in Column 203, the identification number of the fixed unit for an area as indicated in Column 204, and the individual assigned telephone number for the wireless terminal in each of the areas as indicated in Column 206. Furthermore, col.3 lines 13-14 discloses obtaining the location information based on the identity of the fixed unit), identifying a priority-table by matching the present coverage area for the user-device with the coverage areas associated with the priority-tables by the area-identifier (Col.3 lines 34-42 discloses within area 112, wireless terminals 102 and 103 have established a call coverage path for the telephone coverage number of 1900 for area 112. The call coverage path has wireless terminal 103 as the first coverage station since it has a priority number of 2 for area 112 as designated in FIG. 3 in Column 303) and wireless terminal 102 is the second wireless terminal in the call coverage path having a priority number of 1 for area 112 as designated in Column 203 of FIG. 2.)

Therefore it would have been obvious to one ordinarily skilled in the art at the time the invention was made to enable the system of Boland providing a number of priority-tables, each associated with one or several coverage areas of the system providing said priority-tables with one or several priority-levels, where each priority-level is assigned one or several priority-groups, providing said priority-tables with an area-identifier that associates the priority-table with a coverage area, retrieving the present coverage area for said user-device, identifying a priority-table by matching the present coverage area for the user-device with the coverage areas associated with the priority-tables by the area-identifier as suggested by Chavez. This modification would benefit Boland to efficiently provide terminals with a better quality of

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service according to their locations.

Regarding claims 28, 37, and 44 Boland teaches linking the user-register to a user subscription within the telecommunication system, which subscription in turn is linked to a user-device (**par [0012] discloses home location register that stores data for subscriber with a priority information. Thus, data that is send out from the subscriber is associated with a priority information and other subscriber information).**

Regarding claim 29, Boland teaches distributing the user-register to the user-device(**par [0012] discloses home location register that stores data for subscriber with a priority information),** and/or predefining the user-register in the user-device, and, distributing the priority-table to the user-device and/or predefining the priority-table in the user-device(**abstract discloses predetermined service priority).**..

Regarding claims 30,39, and 46 Boland does not explicitly teach said area-identifier is associated with a covering area corresponding to one of: a Location Area Identification (LAI), a Routing Area Identification (RAI), a Cell Identity (CI), a Cell Global Identification (CGI) and/or corresponding to a RNC Identifier (RNC-Id) or a Service Area Identifier (SAI).

However, Chavez teaches said area-identifier is associated with a covering area corresponding to one of: a Location Area Identification (LAI) (**see figs.2-4)**

Therefore it would have been obvious to one ordinarily skilled in the art at the time the invention was made to enable the system of Boland said area-identifier is associated with a covering area corresponding to one of: a Location Area Identification (LAI), as suggested by Chavez. This modification would benefit Boland to efficiently provide terminals with a better

quality of service according to their locations.

Regarding claims 31, 40, and 47 Boland does not explicitly teach said match is performed within the user-device

However, Chavez teaches said match is performed within the user-device (**col.3 lines 24-30 discloses , FIGS. 2-4, each wireless terminal maintains a table that defines for each area as indicated in Column 201 of FIG. 2, the telephone coverage number for the area as defined in Column 202, the priority that the wireless terminal has in each area as indicated in Column 203, the identification number of the fixed unit for an area as indicated in Column 204, and the individual assigned telephone number for the wireless terminal in each of the areas as indicated in Column 206. Furthermore, col.3 lines 13-14 disclose obtaining the location information based on the identity of the fixed unit. Thus, matching the priority with the area is done on the terminal).**

Therefore it would have been obvious to one ordinarily skilled in the art at the time the invention was made to enable the system of Boland said match is performed within the user-device, as suggested by Chavez. This modification would benefit Boland to efficiently provide terminals with a better quality of service according to their locations.

Regarding claims 32, 41, and 49 Boland teaches an additional step in that the user-device determines one-sided limitations on the quality of service (**par [0012] discloses home location register that stores data for subscriber with a priority information. Further more, abstract discloses proving guaranteed communication service to priority wireless communication subscribers, and wireless subscribers who have been assigned a predetermined service**

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priority are provided with access to reserved wireless communication).

Regarding claim 34, Boland teaches altering the quality of service in a certain area by amending an existing user-register **(abstract discloses denying access to wireless communication subscribers when they attempt to initiate a wireless call connection in the impacted call coverage area).**

Regarding claims 38, and 45 Boland teaches the user-device comprises the user-register and the priority-table **(par [0012] discloses home location register that stores data for subscriber with a priority information).**

Claims 33, 42, and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boland, and Chavez further in view of Artamo to **(US-PG-PUB2004/0053606).**

Regarding claims 33, 42, and 50 the combination of Boland and Chavez does not explicitly teach the user-device determines whether it is allowed to establish a traffic channel.

However, Artamo teaches the user-device determines whether it is allowed to establish a traffic channel **([0016] discloses responsive to the availability of a plurality of cell types for a user, the user may be connected in the one of the plurality of cells having the highest associated priority based on the service type of the user. Thus, having the option to choice to connect to a cell having the highest associated priority based on the service type of the user, is refraining from establishing a traffic channel to other cells that have the lowest associated priority based on the service type of the user).**

Therefore it would have been obvious to one ordinary skill in the art at the time the invention was made to enable the system of the combination of Boland and Chavez the user-device determines whether it is allowed to establish a traffic channel, as suggested by Artamo. This modification would benefit the system of the combination of Boland and Chavez to enable the user devices to connect with only communication channels that provide the highest quality of service.

Claim 35, is rejected under 35 U.S.C. 103(a) as being unpatentable over Boland, and Chavez further in view of Le to **(US-PG-PUB20070097941)**.

Regarding claim 35, the combination of Boland and Chavez does not explicitly teach altering the quality of service in a certain area by amending an existing priority-table

However, Le teaches altering the quality of service in a certain area by amending an existing priority-table **(Le, fig.3, and [0024] disclose a prioritizer 130 records the upload activity of a wireless device 105 during the priority allocated transmission slots and change that device's priority accordingly. The prioritizer records the activity of wireless device 105A over transmission slots and adjusts the priority of device 105A to reflect its uploading activity during those time periods. Thus, adjusting the priority of the device results adjusting the priority table of the network so that the device receives an appropriate quality of service)**

Therefore it would have been obvious to one ordinary skill in the art at the time the invention was made to enable the system of the combination of Boland and Chavez by altering the quality of service in a certain area by amending an existing priority-table, as suggested by Le. This modification would benefit the system of the combination of Boland and Chavez to provide users with a larger service coverage area with better quality of services.

Conclusion

1. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ZEWDU BEYEN whose telephone number is (571)270-7157. The examiner can normally be reached on Monday thru Friday, 9:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on 1-571-272-3155. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Z. B./

Examiner, Art Unit 2461

/Huy D Vu/

Supervisory Patent Examiner, Art Unit 2461